

158.836 Possession and use of asthma or anaphylaxis medications -- Students with documented life-threatening allergies -- Schools electing to keep epinephrine on premises -- Limitation of liability.

- (1) Upon fulfilling the requirements of KRS 158.834, a student with asthma or a student who is at risk of having anaphylaxis may possess and use medications to treat the asthma or anaphylaxis when at school, at a school-sponsored activity, under the supervision of school personnel, or before and after normal school activities while on school properties including school-sponsored child care or after-school programs.
- (2) A student who has a documented life-threatening allergy shall have:
 - (a) An epinephrine auto-injector provided by his or her parent or guardian in his or her possession or in the possession of the school nurse, school administrator, or his or her designee in all school environments that the student may be in, including the classroom, the cafeteria, the school bus, and on field trips; and
 - (b) A written individual health care plan in place for the prevention and proactive management for the student in all school environments that the student may be in, including the classroom, the cafeteria, the school bus, and on field trips. The individual health care plan required under this paragraph may be incorporated in the student's individualized education program required under Pub. L. No. 94-142 or the student's 504 plan required under Pub. L. No. 93-112.
- (3)
 - (a) Each school is encouraged to keep an epinephrine auto-injector in a minimum of two (2) locations in the school, including but not limited to the school office and the school cafeteria, so that epinephrine may be administered to any student believed to be having a life-threatening allergic or anaphylactic reaction. Schools electing to keep epinephrine auto-injectors shall maintain them in a secure, accessible, but unlocked location. The provisions of this paragraph shall apply to the extent that the epinephrine auto-injectors are donated to a school or a school has sufficient funding to purchase the epinephrine auto-injectors.
 - (b) Each school electing to keep epinephrine auto-injectors shall implement policies and procedures for managing a student's life-threatening allergic reaction or anaphylactic reaction developed and approved by the local school board.
 - (c) The Kentucky Department for Public Health shall develop clinical protocols in the school health section of the Core Clinical Service Guide manual that is maintained in the county or district public health department to address epinephrine auto-injectors kept by schools under this subsection and to advise on clinical administration of the epinephrine auto-injectors. The protocols shall be developed in collaboration with local health departments or local clinical providers and local schools and local school districts.
- (4) Any school employee authorized under KRS 156.502 to administer medication shall

not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the administration or the assistance in the administration of epinephrine to any student believed in good faith to be having a life-threatening allergic or anaphylactic reaction.

Effective: June 25, 2013

History: Amended 2013 Ky. Acts ch. 52, sec. 1, effective June 25, 2013. -- Amended 2004 Ky. Acts ch. 132, sec. 7, effective April 21, 2004. -- Created 2002 Ky. Acts ch. 50, sec. 4, effective July 15, 2002.